

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Samuel H. Duncan

Confirmation No.:

Application No.: 09/944,515

Examiner: Mason, Donna K

Filing Date: 08/31/2001

Group Art Unit: 3331

Title: PASSIVE RELEASE AVOIDANCE TECHNIQUE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 05/03/05, rejecting the following claims 1-9 and 11-18.
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00	
() two months	\$450.00	08/04/2005 SSESHE1 00000029 082025 09944515
() three months	\$1020.00	01 FC:1401 500.00 DA
() four months	\$1590.00	

() The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA
22313-1450. Date of Deposit: August 2, 2005

OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages: 1

Typed Name: Melissa L. Altman

Signature: Melissa Altman

Respectfully submitted,

Samuel H. Duncan

By Michael R. Reinemann

Michael R. Reinemann

Attorney/Agent for Applicant(s)

Reg. No. 38,280

Date: August 2, 2005

Telephone No.: (617)951-2500



PATENTS
15311-2292
200301894-1

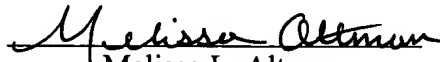
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In Re The Application of:)	
Samuel H. Duncan et al.)	
)	
Serial No.: 09/944,515)	Examiner: Mason, Donna K.
)	
Filed: August 31, 2001)	
)	Art Unit: 2111
For: PASSIVE RELEASE AVOIDANCE)	
TECHNIQUE)	
)	
)	

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
August 2, 2005

CERTIFICATE OF MAILING

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 2, 2005.


Melissa L. Altman

X Notice of Appeal

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